

VZCZCXYZ0001  
OO RUEHWEB

DE RUCNDT #0398/01 0610021  
ZNY CCCCC ZZH  
O 020021Z MAR 06  
FM USMISSION USUN NEW YORK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8148  
INFO RUEHGV/USMISSION GENEVA IMMEDIATE 1954

C O N F I D E N T I A L USUN NEW YORK 000398

SIPDIS

SIPDIS

DEPARTMENT PLEASE PASS TO SECRETARY'S PARTY  
FROM AMBASSADOR BOLTON

E.O. 12958: DECL: 03/01/2016

TAGS: [KUNR](#) [UNGA](#) [UNCHR](#)

SUBJECT: PROSPECT OF RE-OPENING HRC TEXT DISAPPEARING;  
OPTIONS NARROW

REF: STATE 32805

Classified By: AMBASSADOR JOHN R. BOLTON REASONS 1.5 (B) AND (D)

11. (C) Summary and Comment: In the wake of the announcement that the U.S. cannot support General Assembly President Eliasson,s proposals for a Human Rights Council, delegations are weighing options and considering next steps. Eliasson, SecGen Annan, and others believe there is widespread support for Eliasson,s text, despite its flaws, and expect to rally at least 170 votes in favor if it were to come to a vote. Senior Secretariat members do not rule out a vote, and continue to seek signs of U.S. flexibility or changes in our position. We have been in contact with several key delegations and all believe there is no prospect of U.S. core positions on voting threshold, membership exclusions or other key issues being accepted at this time. The realistic options remain putting off consideration of the HRC for several months or bringing the matter to a vote (which some expect could lead the U.S. to reconsider its position if faced with a large majority in favor of the current text). Many delegations, including some of our close friends, believe the U.S. will reconsider its position if the extent of our isolation was made clearer. We believe any misperception at this point that the U.S. is wavering would increase the likelihood of a vote and reduce the prospect of a more constructive &cooling off8 period that would better serve U.S. interests. Post requests reconsideration of reftel guidance in light of the above. End Summary and Comment.

12. (C) In conversations between Amb. Wolff and senior Secretariat officials Mark Malloch Brown (MMB) and Bob Orr,

SIPDIS

MMB said there was solid support across all regional groups building for Eliasson,s text. He noted Eliasson could probably obtain between 170-180 votes in favor (a calculation shared by our UK colleagues), which MMB said was tempting both Eliasson and Annan to consider moving the matter to a vote. At the same time, according to MMB, Annan does not want to leave the U.S. on the outside. MMB said that while he understood that the U.S. would prefer to put off any decision on the HRC until it could reopen the text at a later date, Annan was not keen on that option. Even though Annan would like to accommodate the U.S., he was not willing to &kick this down the road and risk getting it lost8 or to obtain a worse outcome than the current text. (In a later conversation, UK and French DPRs told Amb. Wolff that this was also the underlying rationale among those in the EU who support a vote since they are convinced the current text is the best that can ever be attained and postponement, in their view, would be tantamount to killing the HRC.)

13. (C) In view of the above, MMB said he was interested in learning our absolute bottom lines, noting that he would not try to sell anything to others on which we could not agree. Orr asked if there was anything that could be done to get the U.S. to abstain, perhaps with changes outside the text, or possibly having the U.S. vote and but leave open the possibility of eventually participating in the HRC by leveraging that vote to ensure that regional groups put forth only acceptable candidates for the new Council.

14. (C) Amb. Wolff responded that the Secretary had conveyed our position clearly to SecGen Annan. Our assessment, after consulting with other delegations, was that there was no likelihood of core U.S. positions being accommodated by a majority of other governments at this time. Therefore, trying to reopen the text now would not be productive. We believed the more constructive option was to put off further discussion on the text for some months, after which we could attempt to renegotiate key provisions. Wolff reiterated that the U.S. would vote and if there was a move to push through the HRC, regardless of how many votes in favor of the current text. We were trying to be as constructive as we could, but would not be able to change our position without important substantive changes to the text. Wolff noted that he could not envisage any changes outside the text that would address our core concerns. As for voting and considering participating in the HRC if regional groups did not nominate human rights violators for election, Wolff said this would not work since other groups would not be held hostage to the U.S. position.

15. (C) In a subsequent conversation with PGA Jan Eliasson, Ambassador Bolton reviewed our position, and the feedback we were hearing from other delegations since Monday. Eliasson said that he had heard Secretary Rice very clearly, and that he still hoped that we could move ahead in a way that was in our mutual interest. He was getting coinciding feedback

from other delegations, namely that was little stomach for further negotiations, fearing a Pandora's Box phenomenon. He also said he did not want an immediate vote, but he nonetheless wanted to find a formula that would work for all sides before the HRC begins on March 13. Eliasson suggested that arrangements to include Israel in the New York WEOG, or strong statements by the USG in connection with an abstention (which he hoped for instead of a and vote) might provide us with what you need. Ambassador Bolton said that he did not believe that considerations outside the text of the draft resolution, however meritorious they might be, such as finally getting Israel fully into a UN regional group, could resolve our problems in the resolution itself. The two agreed to stay in very close touch in the coming days.  
BOLTON